



Office of the City Clerk



Or2013-177

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date:	4/10/2013
Sponsor(s):	Colón, Rey (35)
Type:	Order
Title:	Issuance of permits for sign(s)/signboard(s) at 2616 N Milwaukee Ave
Committee(s) Assignment:	Committee on Zoning, Landmarks and Building Standards

COMMITTEE ON ZONING, LANDMARKS & BUILDING STANDARDS

Order, Commissioner of Buildings is hereby directed to issue a sign permit to:

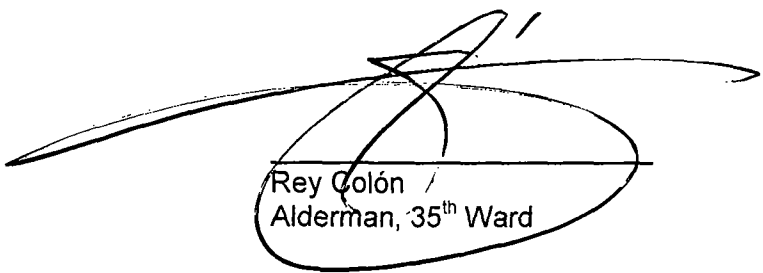
Lincoln Services, Inc.
P.O. Box 64479
Chicago, IL 60664

for the erection of (2) two sign/signboard over 24 feet in height and/or over 100 square feet (in area of one face) at:

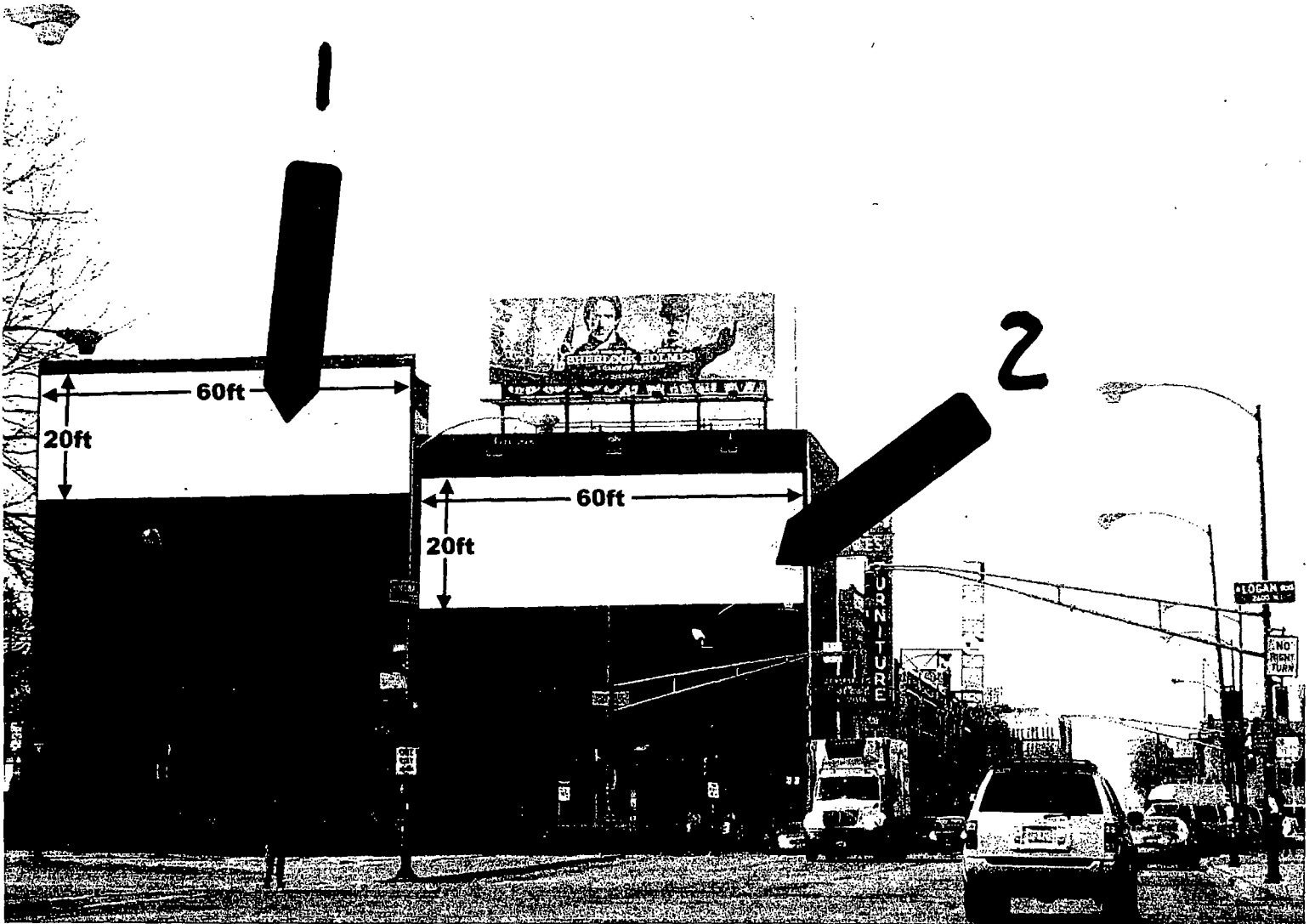
2616 N. Milwaukee Avenue

Dimensions: Length: 60' Height: 20'
Height above grade/roof to top of sign: 30'
Total Square Foot Area: 1,200

Such sign(s) shall comply with all applicable provisions of Title 17 of the Chicago Zoning Ordinance and all other applicable provisions of the Municipal Code for the City of Chicago governing the construction and maintenance of outdoor signs, signboards, and structures.



Rey Colón /
Alderman, 35th Ward



2616 N MILWAUKEE

ZONING BOARD OF APPEALS
 CITY OF CHICAGO
 City Hall Room 905
 121 North LaSalle Street
 Chicago, Illinois 60602
 TEL: (312) 744-5777



MAR 21 2013

CITY OF CHICAGO
 ZONING BOARD OF APPEALS

Media Communications, Inc.
 APPLICANT

348-12-A

349-12-A

CALENDAR NO.

2616 N. Milwaukee Avenue
 PREMISES AFFECTED

September 21, 2012
 MINUTES OF MEETING

Thomas Moore
 Anderson and Moore

APPEARANCE FOR APPLICANT

Thomas Dombai, Amanda Basil
 Office of the Corporation Counsel
 City of Chicago

APPEARANCE FOR OBJECTOR

NATURE OF REQUEST

Application for an appeal from the decision of the Zoning Administrator to not permit a 1200 sq. ft./60' height off-premise/advertising sign on a pedestrian street, within 100' of a residential zoning district, exceeding the maximum total sign area allowed in a B3 District and within 300' of another off-premise sign.

ACTION OF BOARD

The decision of the Zoning Administrator is reversed.

THE VOTE

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lynette Santiago	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geraldine McCabe- Miele	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION OF THE BOARD

BACKGROUND

Public hearings were held on this application by the Zoning Board of Appeals at its regular meeting held on September 21, 2012, after due notice thereof as provided under Chicago Municipal Code ("MCC") Section 17-13-0107-B and by publication in the Chicago *Sun-Times*.

The Zoning Administrator denied the application of Media

APPROVED AS TO SUBSTANCE

CHAIRMAN

Communications, Inc. (the "Applicant") for a permit for an off-premise/advertising wall sign measuring 60' in height and 20' in length for a total of 1200 sq. ft. in that it violated MCC 17-12-1002-F which prohibits signs on Pedestrian Streets, as the proposed sign would be located at 2616 North Milwaukee Avenue in Chicago (the "Subject Property") which has been designated as a Pedestrian Street; and the resultant sign would violate MCC 17-12-1006-A which entirely prohibits off-premise signs within 100' of a Residential District as the Subject Property is within 100' of a Residential District; MCC 17-12-1003-E which allows a maximum combined size of 200 sq. ft. total, combined surface of signs on a building in the zoning district where the Subject Property is located and the building at the Subject Property already displays signs which exceed the allowable combined sq. ft. allowable; and MCC 17-12-1006-H which prohibits off premise signs within 300' any other off-premises advertising sign and Applicant seeks a permit for two signs on the same building within 20' of each other.

The Applicant claimed legal non-conforming status for the signs at the Subject Property which would allow the Application to be granted as signs which pre-date 1990 as "grandfathered" and considered legal non-conforming signs and changes of content are permissible and in this instance should be permitted.

The Applicant presented its case and the Objectors testified in opposition. Applicant presented photographs of the Subject Property with various signs painted on the side of the building; Objectors presented inspection reports from the City's Buildings Department citing illegal non-conforming signs on the building at the Subject Property. Both sides presented memoranda of law on its behalf.

FINDINGS AND RESOLUTION

Pursuant to Sections 17-13-1207 and 17-13-1208 of the Chicago Zoning Ordinance, the Zoning Board of Appeals may only sustain an appeal if it finds that the Zoning Administrator erred. The Board must grant a presumption of correctness to the Zoning Administrator's decision, and the burden of persuasion is on the appellant. Having fully heard the testimony and arguments of the parties, and being fully advised in the matter, the Zoning Board of Appeals now makes the following findings regarding the Applicant's appeal:

1. The Applicant provided proper notice, both by mail and by posting.
2. At issue is MCC 17-6.7-1(c) (1990) "A legal non-conforming sign shall not be altered, expanded, or relocated in any way, other than to perform normal and necessary repairs or to change copy of the sign"; Applicant maintains that the signs on the side of the building at the Subject Property have always been present since well prior to 1990, and if not present, they were reinstalled within a year as a gap of less

than a year is allowable. Objectors maintain that not only had more than an allowable time lapse in which no sign was displayed on the wall of the Subject Property, but, also, that Applicant's intended method of installing new signs would constitute an impermissible "alteration" of the sign in violation of MCC 17-15-0504.

3. The Board finds that as there were frequently signs of varying sizes on the side of the building at the Subject Property.
4. The Board finds that the method by which the Applicant intends to affix new signs to the building at the Subject Property does not violate MCC 17-15-0504.

Therefore, the Board hereby reverses the decision of the Zoning Administrator. The Applicant's appeal is granted. The permit which was denied and which constituted the basis of the Appeal should be granted. This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3).